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EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/673,761

Applicant(s)

BEN TE-ENI ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 23-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Grube et al. (U.S. Patent Number 5,594,947).

***Regarding claim 23,*** Grube et al. discloses essentially all the claimed invention as set forth in the instant application, further Grube et al. discloses a method for providing alternate communication services based on geographic location, in addition Grube et al. discloses a apparatus for controlling mobile communication services in a cellular system in which mobile stations communicate to a network via cellular system base stations, comprising at least one front end device (101) separate from a base station (104,105) and installed within or nearby a predefined area (113,114), said front end device (101) being configured to monitor exchange of messages between mobile stations (102,103) and cellular system base stations (104,105); position determining apparatus (117) that determines the position of mobile stations responsive at least to the monitored exchanges; and a management system (101) containing database (124) of subscriber profiles and configured to control enabled services to subscribers depending upon locations of subscribers with respect to said predefined area (as exhibited in figure 1, and disclosed in column 2 lines 25-64).

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***Regarding claims 24,25,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the predetermined area is an area closed by walls which at least partially absorb radio waves utilized for exchange of said messages (which reads on column 1 lines 50-59).

***Regarding claim 26,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the position determining apparatus (117,118) determines the position to a resolution better than that possible based on monitoring of the messages at the base stations (which reads on column 2 lines 50-64).

***Regarding claim 27,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile switching center and wherein control of enabled services includes selective screening of calls (which reads on column 1 lines 45-62).

***Regarding claim 28,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile switching center and wherein control of enabled services includes blocking of calls to at least some of the mobile stations located within the area (which reads on column 1 lines 45-59).

***Regarding claim 29,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile

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switching center and wherein control of enabled services includes blocking of calls from at least some of the mobile stations located within the area (which reads on column 1 lines 45-59).

***Regarding claim 30,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile switching and wherein communication services depending on location include available connection bandwidth (which reads on column 2 lines 5-25).

***Regarding claim 31,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses least one front end device employs geographical intersection techniques to determine location of a received mobile station originated message and transfers said location information to said management system (which reads on column 2 lines 25-37).

***Regarding claim 32,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses and including an input via which said database profile entries can be dynamically updated (which reads on column 2 lines 50-59).

***Regarding claim 33,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the front end device incorporates a local interface to an external system via which subscriber identity information is reported (which reads on column 3 lines 1-9).

***Regarding claims 34-38***, Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the front end device is configured to locally communicate high bandwidth content within the predefined area (which reads on column 3 lines 1-9).

***Regarding claim 39***, Grube et al. discloses essentially all the claimed invention as set forth in the instant application, further Grube et al. discloses a method for providing alternate communication services based on geographic location, in addition Grube et al. discloses a apparatus for controlling mobile communication services in a cellular system in which mobile stations communicate to a network via cellular system base stations, comprising at least one front end device (101) separate from a base station (104,105) and installed within or nearby a predefined area (113,114), said front end device (101) being configured to monitor exchange of messages between mobile stations (102,103) and cellular system base stations (104,105); position determining apparatus (117) that determines the position of mobile stations responsive at least to the monitored exchanges; and a management system (101) containing database (124) of subscriber profiles and configured to control enabled services to subscribers depending upon locations of subscribers with respect to said predefined area (as exhibited in figure 1, and disclosed in column 2 lines 25-64).

***Regarding claims 40-46***, Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the front end device is configured to locally communicate high bandwidth content within the predefined area (which reads on column 3 lines 1-9).

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**Regarding claim 47**, Grube et al. discloses essentially all the claimed invention as set fourth in the instant application, further Grube et al. discloses a method for providing alternate communication services based on geographic location, in addition Grube et al. discloses a apparatus for controlling mobile communication services in a cellular system in which mobile stations communicate to a network via cellular system base stations, comprising at least one front end device (101) separate from a base station (104,105) and installed within or nearby a predefined area (113,114), said front end device (101) being configured to monitor exchange of messages between mobile stations (102,103) and cellular system base stations (104,105); position determining apparatus (117) that determines the position of mobile stations responsive at least to the monitored exchanges; a management system (101) interconnected with cellular switching center, said management system having a database (124) of representative radio signal characteristics and locations, said management system receives information of representative radio information received by mobile stations and compares them with said database (123,125), thereby extracting a list of mobile stations location within said predefined area (113,114), wherein said radio signals information received by said management system is adjacent cell information received from mobile stations (as exhibited in figure 1, and disclosed in column 2 lines 25-64).

**Regarding claim 48**, Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the said management system is implemented within the cellular system switching center software (which reads on column 3 lines 1-9).

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**Regarding claim 49**, Grube et al. discloses essentially all the claimed invention as set fourth in the instant application, further Grube et al. discloses a method for providing alternate communication services based on geographic location, in addition Grube et al. discloses a apparatus for controlling mobile communication services in a cellular system in which mobile stations communicate to a network via cellular system base stations, comprising at least one front end device (101) separate from a base station (104,105) and installed within or nearby a predefined area (113,114), said front end device (101) being configured to monitor exchange of messages between mobile stations (102,103) and cellular system base stations (104,105); position determining apparatus (117) that determines the position of mobile stations responsive at least to the monitored exchanges; a management system (101) interconnected with cellular switching center, said management system having a database (124) of representative radio signal characteristics and locations, said management system receives information of representative radio information received by mobile stations and compares them with said database (123,125), thereby extracting a list of mobile stations location within said predefined area (113,114), wherein said radio signals information received by said management system is adjacent cell information received from mobile stations (as exhibited in figure 1, and disclosed in column 2 lines 25-64).

**Regarding claim 50**, Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses a management system is implemented within the cellular system switching center software (which reads on column 3 lines 1-9).



***Regarding claim 51,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses a radio signals are implemented according to Shared Wireless Access Protocol (wireless Access) and a corresponding receiver is attached to the mobile stations (which reads on column 3 lines 1-9).

***Regarding claim 52,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses a management system containing database of subscriber profiles and configured to control enabled services to subscribers depending upon locations of subscribers (which reads on column 3 lines 1-9).

***Regarding claim 53,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile switching center and wherein control of enabled services includes selective screening of calls (which reads on column 3 lines 1-9).

***Regarding claim 54,*** Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile switching center and wherein control of enabled services includes blocking of calls to at least some of the mobile stations located within a predetermined area (which reads on column 3 lines 1-9).

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***Regarding claim 55***, Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses the management system is interconnected with a mobile switching and wherein communication services depending on location include available connection bandwidth (which reads on column 3 lines 1-9).


***Regarding claim 56***, Grube et al. discloses everything claimed as applied above additionally, Grube et al. discloses including an input via which said database profile entries can be dynamically updated (which reads on column 3 lines 1-9).

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
December 10, 2004

